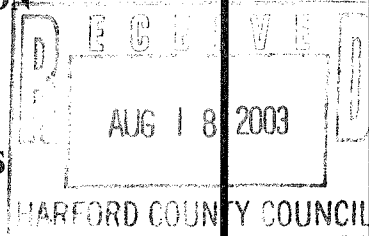


STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014



Case No. 5373
 Date Filed 8-14-03
 Hearing Date _____
 Receipt _____
 Fee \$ 1,100⁰⁰

Shaded Areas for Office Use Only

Type of Application

CASE 5373 MAP 41 TYPE Special Exceptions and Variance

Administrative Decision/Interpretation

ELECTION DISTRICT 3 LOCATION 1220 and 1222 Prospect Mill Road, Bel Air, Md. 21015

Special Exception

BY Gurvis B. and Margaret L. Jones, 1220 Prospect Mill Road, Bel Air, Md. 21015

Use Variance

Appealed because Special exception and variance pursuant to Section 267-53H(1) of the Harford

Change/Extension of Non-Conforming

County Code for construction services and suppliers with less than the 10 foot buffer yard. Special

Minor Area Variance

Exception and variance pursuant to Section 267-53D(1) and D(1)(c) of the Harford County Code for

Area Variance

commercial vehicle and equipment storage on less than the required 2 acres (1 acre existing). Variance

Variance from Requirements of the Co

pursuant to Section 267-34C, Table II of the Harford County Code to allow a shop/garage and 6 storage

Zoning Map/Drafting Correction

sheds on parcel 611 to be closer than the required 40 foot side yard setback in an Agricultural District

requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name GURVIS B. JONES and MARGARET L. JONES Phone Number CONTACT ATTORNEY

Address 1220 PROSPECT MILL ROAD, BEL AIR, MD 21015
 Street Number Street City State Zip Code

Co-Applicant N/A Phone Number _____

Address _____
 Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
 Street Number Street City State Zip Code

Attorney/Representative ALBERT J.A. YOUNG Phone Number 410-838-5500

Address 200 S. MAIN STREET, BEL AIR, MD 21014
 Street Number Street City State Zip Code

Hearing: 10/8/03

Rev. 12/00

Land Description

Address and Location of Property 1220 and 1222 PROSPECT MILL ROAD, BEL AIR, MD 21015

Subdivision N/A Lot Number N/A

Acreage/Lot Size P 264 1.34 ac Election District 03 Zoning AG
P 611 1.00 ac

Tax Map No. 41 Grid No. P 264 1D Parcel 264 & 611 Water/Sewer: Private X Public
P 611 2B

List ALL structures on property and current use: P 264 (1220 PROSPECT MILL ROAD) - 1,850 +/- sf 1-story
brick dwelling and 160 +/- sf frame shed; P 611 (1222 PROSPECT MILL ROAD) - 1,350 +/- sf
double-wide mobile dwelling; a 96 +/- sf frame shed; a 408 +/- sf frame shed, a 3,100 +/-
brick building (shop/garage), and 6 frame sheds, each 160 +/- sf
Estimated time required to present case: ONE HOUR WITHOUT OPPOSITION

If this Appeal is in reference to a Building Permit, state number NO

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes No XX

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes XX No

Is this request within one (1) mile of any incorporated town limits? Yes No XX

Request

SEE ATTACHED

Justification

SEE ATTACHED

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD), Variance, etc.)

SPECIAL EXCEPTION AND VARIANCE APPLICATION

**Gurvis B. Jones and Margaret L. Jones, husband and wife
(hereinafter the "Applicants")**

Request

Applicants are the owners of the subject properties, located at 1220 and 1222 Prospect Mill Road, in Bel Air, Maryland, identified as Parcels 264 and 611, respectively, on Tax Map 41. The subject properties are zoned Agricultural with a residential use assessment. Parcel 264 contains 1.34 acres and Parcel 611 contains 1.0 acre. The Applicants have operated a well drilling (construction services) business on the subject properties for almost 40 years, and own six (6) commercial vehicles that are occasionally stored thereon. The properties house, in addition to a personal residence, a ±3,100 sf shop/garage brick building and nine (9) smaller frame sheds. The shop/garage and frame storage sheds are accessory structures used solely for the business.

Applicants are requesting the following:

a. Special Exception approvals from (a) *Section 267-53(H)(1) Special Exceptions, Services, Construction services and suppliers*, of the Harford County Code ("Code"), to operate a construction services business and equipment storage facility in an AG District, and (b) *Section 167-53(D)(1)(c), Special Exceptions, Motor Vehicle and Related Services, Commercial vehicle and equipment storage and farm vehicle and equipment sales and service*, of the Code, to allow for the operation of the construction services business and the storage of the related vehicles and equipment to be conducted and on a parcel of land less than 2 acres.

b. Variances from *Table II: Design Requirements for Specific Uses: AG Agricultural District*, to (1) allow less than the required 2 acres to conduct a construction services business on the subject properties, (2) permit less than the required 40 foot side yard set back for six (6) of the frame storage sheds (located at the rear of Parcel 611), and (3) permit less than the required 40 foot side yard set back for the ±3,100 sf shop/garage brick building

Justification

Special Exception - Pursuant to *Section 267-53(H)(1), Construction Services and Suppliers*, of the Code, the [existing use] may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.

Pursuant to *Section 267-53(D)(1), Motor Vehicle and Related Services*, of the Code, the [existing use] may be granted in the AG District, provided that: (a) the vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads, (b) the sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment, and (c) a minimum parcel area of two (2) acres shall be provided.

The Applicants have operated their well drilling business on the subject properties since 1965. When the Applicants started their business, the existing use did not require Board approval. The physical well drilling business is conducted off-site, with only storage and servicing of business equipment being conducted on the subject properties. Applicants agree to (i) limit on-site servicing of the equipment to between the hours of 9:00 a.m. to 5:00 p.m., and (ii) store all trucks, equipment, and business materials in the existing storage facilities when not in use. Operation of the business has not resulted in a material negative impact on the value, use, or enjoyment of any adjoining parcel or property owner.

Variance - Pursuant to *Section 267-11*, of the Code, states that:

- A.** Except as provided in Section 267.41.1.H, variances from the provisions or requirements of the Harford County Zoning Code may be granted if the Board finds that:
 - (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part I would result in practical difficulty or unreasonable hardship; and
 - (2) The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of the Code or the public interest.
- B.** In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Code and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of the Code. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.
- C.** If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.

As stated above, Applicants have operated their business on the subject properties since 1965. The six (6) frame storage sheds and shop/garage building are used only for business purposes, and are located at the rear of Parcel 611, and not visible from Prospect Mill Road. The storage sheds and shop/garage have been in their present locations for many years. Requiring the Applicants to move the accessory structures would result in extensive time and cost. The storage sheds and shop/garage do not impact traffic, or any of the Limitations, Guides or Standards set forth in Section 267-9(I) of the Code. There is no detriment to adjacent properties and no impairment of the purpose of the Code or the public interest. If the Applicants' request for the special exception is granted, Applicants

agree to combine Parcels 264 and 611 into one lot, thereby satisfying the 2.0-acre Code requirement.

Granting the requested special exception and variances would not have a negative impact on the adjoining property owners. The Applicants can operate in full compliance with all other provisions of the Code. For a detailed rendering of the existing residence, shop/garage, and storage sheds, see the attached Location Drawing.

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



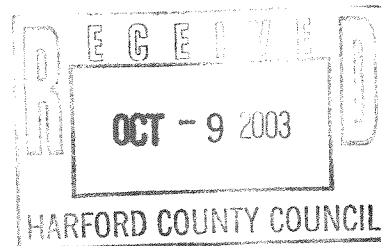
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

DEPARTMENT OF PLANNING AND ZONING

October 8, 2003

STAFF REPORT



BOARD OF APPEALS CASE NO. 5373

APPLICANT/OWNER: Gurvis B. and Margaret L. Jones
1220 Prospect Mill Road, Bel Air, Maryland 21015

REPRESENTATIVE: Albert J. A. Young
200 South Main Street, Bel Air, Maryland 21014

LOCATION: 1220 and 1222 Prospect Mill Road
Tax Map: 41 / Grid: 1D and 2D / Parcels: 264 and 611
Election District: Third (3)

ACREAGE: Parcel 264 – 1.34 acres
Parcel 611 – 1.00 acres

ZONING: AG/Agricultural

DATE FILED: August 14, 2003

HEARING DATE: October 22, 2003

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS 410-638-3103
220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5373

Gurvis B. Jones and Margaret L. Jones

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CODE REQUIREMENTS:

The Applicants are requesting a Special Exception and variance pursuant to Section 267-53H(1) of the Harford County Code for construction services and suppliers with less than the 10-foot buffer yard. A Special Exception and variance pursuant to Section 267-53D(1) and D(1)(c) of the Harford County Code for commercial vehicles and equipment storage on less than the required 2-acres (1-acre existing). A Variance pursuant to Section 267-34C, Table II of the Harford County Code to allow a shop/garage and 6-storage sheds on parcel 611 to be closer than the required 40-foot side yard setback in an Agricultural District.

Section 267-53H(1) of the Harford County Code reads:

H. Services. [Amended by Bill No. 97-54]

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.*

Section 267-53D(1) of the Harford County Code reads:

D. Motor vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:*
 - (a) The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.*
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
 - (c) A minimum parcel area of two (2) acres shall be provided.*

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2).

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 3).

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Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The parcels are situated on the south side of Prospect Mill Road, east of Thomas Run Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 4 and 5).

The subject property is located on the edge of the Development Envelope. The predominant land use designations are Low and Medium Intensity and Agriculture/AG Residential. The Natural Features map reflects parks and stream buffers. The subject property is located in the Low Intensity designation, which is defined by the 1996 Land Use Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. Residential uses include single-family dwellings and townhouses. Institutional uses include C. Milton Wright High School and churches. The area to the northeast contains agricultural uses and woodland. Commercial uses are generally located along US 1 to the north and MD 22 to the southeast. Enclosed with the report is a copy of the aerial photograph (Attachment 8).

According to the enclosed site plan, the Applicants own property at 1218, 1220, and 1222 Prospect Mill Road. The properties subject to this request are 1220 and 1222 Prospect Mill Road (parcels 264 and 611). Parcel 264 contains an existing 1-story dwelling, a blacktopped driveway with a parking area to the front of the lot and a paved area to the rear that is used for parking and storage by the well drilling business. The property contains large trees and shrubbery and is screened from the road. Parcel 611 contains an exiting double wide mobile home, paved blacktopped driveways, a large paved area to the rear of the lot, a large building with 4 commercial bay doors and a small bay door on the rear left side. To the rear of the building there

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are 6 sheds that are used as storage for the well drilling business. On the day of inspection, a well drilling rig was parked to the right side of the building. Enclosed with the report are site photographs and an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The existing zoning conforms to the intent of the Master Plan as well as the existing land uses. Residential zoning ranges from RR to R3/Urban Residential Districts. To the north side of Prospect Mill Road the zoning is predominantly AG/Agricultural. The subject property is zoned AG/Agricultural and backs up to an area of R2/Urban Residential District. Enclosed with the report is a copy of the zoning map (Attachment 11)

Zoning Enforcement:

The subject request is the result of a Zoning Enforcement Investigation. The Department received a complaint on November 25, 2002 that commercial vehicles and a business were being operated from the subject site. Enclosed with the report are copies from the Zoning Enforcement file for informational purposes only (Attachment 12).

SUMMARY:

The Applicant's are requesting a Special Exception and variance pursuant to Section 267-53H(1) of the Harford County Code for construction services and suppliers with less than the 10-foot buffer yard. A Special Exception and variance pursuant to Section 267-53D(1) and D(1)(c) of the Harford County Code for commercial vehicles and equipment storage on less than the required 2-acres (1-acre existing). A Variance pursuant to Section 267-34C, Table II of the Harford County Code to allow a shop/garage and 6-storage sheds on parcel 611 to be closer than the required 40-foot side yard setback in an Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Section 267-53H(1):

H. Services. [Amended by Bill No. 97-54]

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Gurvis B. Jones and Margaret L. Jones

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- (1) *Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.*

The subject property is zoned AG/Agricultural. However, due to the location of the existing sheds the Applicant is unable to meet the 10-foot buffer yard. The sheds are located to the rear of the property where there is an area of trees on both the subject lot and the adjacent property. Also, the existing garage fully screens the sheds and storage area from the road (see Attachment 10).

The location of the sheds and shop building within the 40 foot side yard setback should not adversely impact the surrounding neighborhood. The rear yard setback is 80 feet, therefore, all but one of the sheds will need to be relocated to an area of the property which meets the 10 foot buffer yard and all setback requirements.

Section 267-53D(1):

D. Motor vehicle and related services.

- (1) *Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:*

The subject property is zoned AG/Agricultural.

- (a) *The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.*

The Applicant presently stores the vehicles and equipment in the existing garage. The vehicles and equipment however, are generally moved from job site to job site and only brought back to the property occasionally. In addition to the block garage, there are 6-frame sheds located to the rear of the garage that store supplies that are used in the well drilling business. On the day of inspection, it was observed that some pipe was stored on the site. The existing trees fully screen the outside storage area from all adjoining properties. The building screens this area from the road.

- (b) *The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

Not applicable to this case.

(c) A minimum parcel area of two (2) acres shall be provided.

The Applicant owns three properties, two of which are the subject of this request (Parcels 264 and 611). Parcel 264 is approximately 1.34 acres and Parcel 611 contains 1.00 acres. The Applicant states that if the special exception and variances are approved they will combine the parcels into one parcel that will then exceed the 2-acre minimum. When the properties are combined, one of the dwellings will need to be removed.

Section 267-9I:

(1) The number of persons living or working in the immediate area.

The subject area is at the northeastern edge of the Development Envelope. There is mix of residential housing types and land uses that include single-family dwellings, townhouses, mobile homes, dense woods and farming operations. The Applicant has operated his business from this location since 1965. With appropriate conditions, the request should not impact persons living in the area.

(2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.

Prospect Mill is a County owned and maintained Collector road. There is good site distance in both directions at the driveway location. The business has been in operation at this location since 1965 and there are no records that there have been any problems moving the equipment and vehicles in and out of the property. The business generates very little traffic from this site.

(3) The orderly growth of the neighborhood and community and the fiscal impact on the county.

The request should have no adverse fiscal impact to the County.

(4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

The vehicles and equipment will be stored inside the building and minor repairs should be limited to the hours of 9 a.m. to 5 p.m.

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Board of Appeals Case Number 5373

Gurvis B. Jones and Margaret L. Jones

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- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The County's local Sheriff's Department and Maryland State Police will provide police protection. Fire protection will be primarily from the Bel Air Volunteer Fire Department. Water and sewer is provided by on-site well and septic system. The Applicant is required to obtain a private trash collector.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is recognized by the Code as a use that is compatible with other uses in the Agricultural District, provided the requirements can be met. With appropriate conditions, the use should not impact adjacent properties.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The schools and churches in the area should not be impacted by the requested use.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed request is consistent with the purposes set forth in the County's Land Use Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

Not applicable to the request.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department recommends that the requested Special Exceptions and the variance from the 10 foot buffer yard and 40 foot side yard setback be approved subject to the following conditions:

1. The Applicant shall obtain all necessary permits.

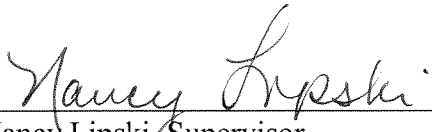
STAFF REPORT

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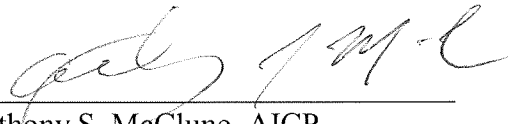
Gurvis B. Jones and Margaret L. Jones

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2. The Applicant shall store all vehicles and equipment within the existing building. Storage of pipe shall be located in such a manor that it is fully screened from the adjacent properties and Prospect Mill Road.
3. No major repairs to the vehicles and equipment shall be preformed on site. This does not preclude general maintenance to keep the vehicles and equipment in good working condition.
4. The Applicant shall limit the on-site servicing of the equipment between the hours of 9:00 a.m. to 5:00 p.m.
5. This approval is for the Applicant's use only.



Nancy Lipski, Supervisor
Site Plan & Permits Review Section



Anthony S. McClune, AICP
Chief, Current Planning Division

NL:ASM/dm